



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,259	02/01/2001	Peter Tompkins	CITI0213	7244

27510 7590 02/16/2005

KILPATRICK STOCKTON LLP
607 14TH STREET, N.W.
WASHINGTON, DC 20005

EXAMINER

NGUYEN, NGA B

ART UNIT	PAPER NUMBER
----------	--------------

3628

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/775,259

Applicant(s)

TOMPKINS, PETER

Examiner

Nga B. Nguyen

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/30/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the Amendment filed on November 9, 2004, which paper has been placed of record in the file.
2. Claims 11-14 have been added. Claims 1-14 are pending in this application.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of new grounds of rejection.
4. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 103

Art Unit: 3628

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeder, U.S. Patent No. 5,640,193, in view of Fries, U.S. Patent No. 6,317,885.

Regarding to claim 1, Reeder discloses a system for providing financial services and facilitating transactions among a user, a merchant and a financial institution comprising:

a user interface (figure 1, item 12 and column 2, lines 54-59; interactive television station 12) and at least one of the following financial services industry systems: an interactive bill presentment and payment system accessible through the user interface; a merchant payment processing system administered by the financial institution; a credit and debit system administered by the financial institution; a home-banking system (column 6, lines 29-35, an interactive bill presentment and payment system accessible through the user interface and a home-banking system; or column 3, line 65-column 4, line 61, a merchant payment processing system administered by the financial institution and a credit and debit system administered by the financial institution) ; and

a processor for receiving data from the user interface (figure 1, item 14 and column 3, lines 5-22, the ITV server 14 receives data from the ITV station 12);

wherein the user interface comprises a television (figure 1, item 12 and column 2, lines 54-59; interactive television station 12).

Reeder does not disclose the processor for translating the data into a form usable by at least one of the interactive bill presentment and payment system; the merchant payment processing system; the multi-function financial services system and/or the credit and debit system. However, Fries discloses the processor for translating the data into a form usable by at least one of the interactive bill presentment and payment system; the merchant payment processing system; the multi-function financial services system and/or the credit and debit system (column 6, lines 43-55; figure 10; column 20, lines 23-31; column 13, line 65-column 15, line 21; the server 46 converts the HTML page formats into intermediate page formats for displaying on the television to the end user). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Reeder's to include the feature above for the purpose of providing more convenient to the user to purchase products via television, the user can purchase products while watching television, thus the user does not need gain access to the Internet using personal computer which is more expensive device.

Regarding to claim 2, Reeder discloses the system of claim 1 wherein the user interface further comprises a control unit having an input device (column 3, lines 5-9, ITV remote control having key pad).

Regarding to claim 3, Reeder discloses the system of claim 1 wherein the television is a cable television and the system further comprises a cable television combiner for providing television services to the television (column 3, lines 45-55).

Regarding to claim 4, Reeder discloses the system of claim 1 wherein the processor is located at the site of the television (column 3, lines 49-52, ITV set top box which serves as an interface between the customer's ITV station and the ITV server).

Regarding to claims 5-6, Reeder does not disclose the system of claim 1 wherein the processor is located at a financial services institution server site or the processor is part of a server maintained by a financial services institution. However, it is well known in the art that the user can access a bank server using interactive television, thus the processor is located at a bank server, or the bank can offer financial products over the television, thus the processor is part of a server maintained by a financial services institution. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Reeder's modified by Fries to include the feature above for the purpose of providing more convenient to the user can interact with a financial institution to perform financial services while watching the television.

Regarding to claim 7, Reeder discloses the system of claim 3 wherein the processor is part of a server maintained by a cable television provider (column 3, lines 54-60, ITV server 14).

Regarding to claim 8, Reeder discloses the system of claim 1 further comprising a merchant site (column 4, lines 48-51; merchant 26).

Claims 9, 10 are method claims and contain similar limitations found in claims 1, 3 above, therefore, are rejected by the same rationale.

Art Unit: 3628

7. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeder, U.S. Patent No. 5,640,193, in view of Fries, U.S. Patent No. 6,317,885, and further in view of Kuroiwa et al (hereinafter Kuroiwa), U.S. Patent No. 5,715,020.

Regarding to claims 11-14, Reeder and Fries do not disclose a wireless communication link between the user interface and at least one of the financial services industry system so as to wirelessly transfer data from the user interface to the at least one financial services industry system, wherein the wireless communication link comprises a cellular phone. However, Kuroiwa discloses a wireless communication link between the user interface and at least one of the financial services industry system so as to wirelessly transfer data from the user interface to the at least one financial services industry system, wherein the wireless communication link comprises a cellular phone (column 1, lines 15-25, TV signals in a two-way interactive television signals using cellular phones, that means the television receives signals via the cellular phones which is a wireless communication link). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Reeder's modified by Fries above to adopt the teaching of Kuroiwa for the purpose of increasing the system capacity because the wireless system will have a much higher channel bit rate capability to provide multimedia services to multiple users within each coverage area.

Conclusion

8. Claims 1-14 are rejected.

Art Unit: 3628

9. The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure:

Dutta et al (US 5,987,303) disclose wireless transmission using fiber link in cable television.

Newson (US 5,953,670) discloses a CATV distribution network provides an interface between a cellular communications base station and a plurality of mobile terminals.

Dean et al (US 5,839,052) disclose method and apparatus for integration of a wireless communication system with a cable television system.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (703) 306-2901. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (703) 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-1113.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231

Application/Control Number: 09/775,259

Page 8

Art Unit: 3628

Or faxed to:

(703) 872-9326 (for formal communication intended for entry),

or

(703) 308-3691 (for informal or draft communication, please label

"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

Nga B. Nguyen

A handwritten signature in cursive script that reads "Nga B. Nguyen".

February 1, 2005